FOR MYSORE STATE

Home (1954) Department.

R SERIES.

G.O. No. 2699.

Dated 13.9.57.

Passed

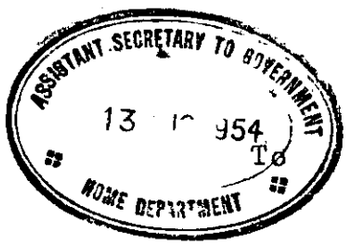
[Despatch Abstract.]

Crl. jus. - Appeal against acquittal -
S. Kanara dist. - C.C. No. 195/54/S.S.M.
Kasaragod - Applu. - Declined.

Ref.C.No. 4791.54.C5. Office of the Addl.Jt.Magistrate(1) S.Kanara, Mangalore dated 7.8.1954.

From

Sri V.Seetharama Servai, B.A.,
Addl.Jt.Magistrate of South Kanara,
Mangalore.



To

The Secretary to Government,
Home Department, Fort St.George,
MADRAS.9

Sir,

CRIMINAL JUSTICE - M.P.A.Act. -Acquittal of the accused in C.C.No. 195/54 on the file of the Stationary Sub Magistrate, Kasaragod - Appeal against acquittal Report submitted

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I enclose a copy of the report of the Government Analyst Ref.R.C.No. 7014.B3.54.dated 17.7.54 and a copy of the judgment in C.C.No 195.54. on the file of the Stationary Sub Magistrate, Kasaragod along with the opinion of the Public Prosecutor, S.Kanara. I agree with the Government Analyst and the Public Prosecutor.S.Kanara.

2/-I request that the Public Prosecutor, Madras may be consulted and an appeal filed against the ~~court~~ order of the Sub Magistrate in C.C.No.195.54 on the file of the Stationary Sub Magistrate, Kasaragod.

3/-A copy of the charge sheet in duplicate is also enclosed.

Yours faithfully,

11/8/54

for Addl.Jt.Magistrate(1)

Copy to the Government Analyst,
King Institute, Guindy, Madras 25 (Witnout enclosures)
mvll.8.

Copy of No.AD.761/1954 dated 17.7.54 from the Government Analyst King Institute Guindy Madras 15 to the Collector and Dt.Magistrate South Kanara,Mangalore.

Sub: M.P.A. Act--acquittal by the stationary Sub Magistrate of the kasaragod co-operative Milk society in C.C.No.195/54- appeal to High court in revision- recommended.

...

The Kasaragod Milk Supply Society (A1) represented by its secretary and the Secretary by name Sri U.Parameshwara (A2) who sold the milk to the Sanitary Inspector were chargesheeted for selling adulterated milk by the Sanitary Inspector but both the society and the Secretary have been acquitted by the Sty. Sub Magistrate,Kasaragod. The main grounds for acquittal are that.

(1) there were some inconsistencies in the depositions of the Sanitary Inspector P.W.1 and his Maistry P.W.2 and that P.W.1 was an unreliable witness.

(2) that the oral and documentary evidence let in does not disclose the specific act for which the accused are prosecuted.

(3) There was no proper sanction for the prosecution.

The learned Sub Magistrate surprisingly enough appears to have overlooked the cash memo issued and signed by the Secretary (A2) for the manager.The cash memo definitely proves that so far as the sale to the sanitary Inspector was concerned the Secretary received cash and passed receipt. It is unnecessary therefore to consider whether the salesman Sarthoji attended to his duties on that day or not or whether he was under suspension. The inconsistencies pointed out in the deposition of P.W.1 and P.W.2 do not in any way detract from the essential elements in the prosecution. The sample sold by the Secretary has been certified by the Analyst to be adulterated.

As regards (2) In the chargesheet, the section and rule quoted are section 5(1)(b) and rule 29 read with rule 27(1) issued under section 20 of the Madras Prevention of Adulteration Act which prohibits the sale of adulterated milk. There is therefore no basis for the assumption that the appropriate rule has not been quoted.

Regarding (3) the charge sheet states that the Dt. Health Officer in his proceedings C.No.3172/A/52 dated 3.2.53

has duly delegated the Sanitary Inspector with powers conferred on him for prosecution under section 16 of the Madras Public Health act. In addition, the Executive Officer of the Panchayat has also signed the chargesheet stating that he has sanctioned the prosecution through his sanction is unnecessary. In my opinion this does not invalidate the sanction by the SAnitary Inspector. If only the magistrate had gone through the chargesheet carefully, it would have been obvious that there was proper sanction for the prosecution.

Further in the charge sheet itself it has been stated that the above society has been prosecuted twice previously for similar offences and convicted and sentenced to a fine of Rs.400/- and Rs.165 in C.C.No.349/52 and 597/53 respectively. In my opinion therefore the acquittal of the Society and the Secretary was not at all justified. I request therefore as per G.O.No. 579 Home dated 24.2.40 proposals may kindly be sent to Government recommending an appeal against the acquittal. I shall be obliged if a copy of your proposals is sent to me for my information- vide Government Memo Home Department No.161732.Courts II/51.3 dated 9.1.52.

I enclose herewith two copies of judgment.

/True copy/

For Addl.Dt.Magistrate (I)

COMPLAINT UNDER THE MADRAS PREVENTION OF ADULTE-RATION ACT
(Act III of 1918)

In the Court of the Stationary Sub-Magistrate,)
Kasargod South Kanara.

C.C.No.

The Sanitary Inspector,
Kasargod Panchayat,
Kasargod, South Kanara. — COMPLAINANT

1. Kasaragod Co-operative milk supply Society Ltd, represented by the Secretary Sri U. Parameshwara — Accused.
2. Sri U. Parameshwara who sold the milk to the complainant.

Approximate age of Accused — About 55 years.

Adress of Accused Door No. and street number and ward No, etc., — U.Parameshwara, Secretary Kasargod Co-opeative milk supply society Kasargod, South Kanara.

Whether accused is a resident vendor or hawker — Resident vendor.

Date, time and scene of offence. — On 3-4-1954 at about 8-40 A.M. in the Kasargod Co-operative milk suppl Society Office.

Nature of offence:

Sale of mixture of milk and water.

Section of the M.P.A.Act or rule under which the accused is charged. — Section 5(1) (b) and rule 29 read with rule 27(1) issued under section 20 of the Madras Prevention of Adultation Act.

Name and adress of witness:

1. Sri B.N.Gowda, Sanitary Inspector, Kasargod Panchayat, Kasargod.S.K.
2. Sri K. Shanker Sanitary maistry Kasargod Panchayat, Kasargod.

P.T.O.

Details

~~Business~~ of previous conviction if any (nature of sample, C.C.No and Fine.)

The Society has been prosecuted twice previously for the same nature of offence and convicted with a fine of Rs. 400/- and Rs.165/- in C.C.Nos. 549/52 and 597/53. respectively.

Business turnover or approximate illegal profit made by the accused in a year

About Rs.15000/- per year.

CONSENT OF THE LOCAL EXECUTIVE OFFICER OR THE OFFICER DELIGATED WITH POWERS

The Madras Prevention of Adulteration Act has been extended to the Kasaragod Panchayat Board with effect from 1.4.46 by notification in G.O.No. 522. Health dated 20.2.1946 notified in Fort St.George, Gazette dated 26.2.1946.

In exercise of the powers conferred on the District Health Officer South Kanara by section 16 of the Madras Public Health Act, as local Executive Officer, he has delegated powers to me undersection 3 of the Madras Prevention of Adulteration Act, in his proceedings No. Ref.C.No. 3172.A.52.dated 5.2.1953 a copy of which has already been filed in this court. Under section 18 of the Madras Prevention of Adulteration Act, I consent to the ~~Institution~~ Instruction of prosecutions against the above mentioned accused.

It is prayed that the accused may be summoned and tried for the offence specified and the cost of analysis on the sample, amounting to Rs. 15/- may also be recovered from the accused ~~prosecuting against the above mentioned accused~~ and paid to the Panchayat Board of Kasaragod.

~~It is prayed that the amount may be summoned and tried for the offence specified and the cost of analysis of the sample,~~

The certificate of the public Analyst Lab. No.120/54.55. dated 26.4.1954 relating to the Sample No.400 is sent herewith.

Sd. xx xx
Sanitary Inspector.

Station Kasaragod.
Date 10.5.54.

I hereby sanction the above prosecution.

-True copy-

(Sd) . . .
Executive Officer
Panchayat Bd.
Kasaragod, S. Kanara

for Addl. Dt. Magistrate

C.C.No. 195.54.

J U D G E M E N T

The Sanitary Inspector of Kasaragod has laid a charge sheet against Kasaragod Milk Supply Society Ltd., represented by the Secretary-Sri U.Parameshwar and (2) Sri U.Parameshwar a Secretary who sold the milk to the complainant under section 5(i)(b) and rule 29 read with rule 27(1)issued under section 20 of the Madras Prevention of Adulteration Act. It is alleged that the accused himself was purchasing the selling milk on 3.4.54 at about 8.40 A.M. in the said Society. As the accused denied the allegation trial was produced with.

2/-The prosecution has examined two witnesses on its behalf. P.W.1. is the complaint and P.W.2 is this mainstry.

3/-The case for the prosecution is brief is this. On 3.4.54 at about 8.40 A.M.P.W.1 went to the place of busines of Kasaragod Milk Society. He purchased 2½ kudthas of milk from the Secretary of the said Stores. Took samples in the required manner and sent it to the Government Analyst, Guindy for analysis. On receipt of the report of the analyst, he laid a charge sheet against the accused. Ex.P1., is the cash memo for the purchase of the milk. Ex.P2 is the notice to be given to the vendor and Ex.P3.is the report of the Deputy

Government Analyst, the King Institute, Guindy.

4/- In examination chief P.W.1. deposed, of the facts of the case. P.W.2 corroborated P.W.1, P.W.1. stated that the cpmplaint is against one person, though the accused acted in two capacities i.e, as Secretary and as sales man also. P.W.1. deposed that the accused was in the society at the time of occurrence. P.W.2 corroborates him but says that the age of this person is about 18 or more.

Evidently he bas not seen the accused, though he avers that the accused was sitting at the office table. He says there is a table for the purpose of vendering milk. ~~He~~ He corroborates P.W.1. with regards the purchase of milk. But he deposed there were none else in the society. But P.W.1. says that there were vendors at time of occurrence. Accordingly to P.W.1. they spent about 10 minutes but according to P.W.2 they spent half an hour. It appears to me from these inconsistancies that P.W.2 never accompanied P.W.1. to the Society, but attempted to corroborate his superior officer and failed in that attempt, In regard to the place of business there is also another variance. P.W.1. deposed that the distance between place ~~wec~~ were milk is kept for transaction and the office table is placed is about a yard. This is was the same case that I visited the society in connection with C.C. 597-53. Ex.D1, is the certified copy of the deposition of this witness in C.C. 597-53 Ex.D1(a) is the portion dealing with the distance apart. It shows the distance as 10 feet. Certainly one should expect a responsible officer as P.W.1 not to confuse between one yard and 10 feet. A little later he says that I do not know that is meant by lactometer. He deposed at a later stage I have no idea of procedure adopted for getting sanction to prosecute an accused. I have served as sanitary Inspector for about 1½ years in the same place. In the same breath he continued. As soon as I receive certificate from the Government Analyst, King Institute, Madras I charge sheet against the person who committed the offence and send the [redacted] to the Executive officer, for approval. These facts ~~did~~

disclose that this witness do not realize the value of truth or his official status. Hence the is an unreliable witness and no evidence could be placed on his evidence. With a view to find out as to whom, and the number of persons the complainant is prosecuting. I summoned the Executive Officer Kasaragod as a court witness, he being the person who accorded sanction for prosecution in this case he did not appear in the court, though the summons was duly served on him. Ex.C1 is letter received in response to the summons. The recital in Ex.C1 is to the effect "I am not in possession of any file relating to my case against Sri V.Parameshwara referred to in your above summons. P.W.1. deposed "There is a register giving particulars about the persons prosecuted in the Panchayat Board office. We keep copies of the complains filed in courts. We do not keep copies of chemical analysts report in office. Copies of complaints will be in a file and on that file C.C.No. of the case will be noted. Such file is maintained in this case also. It is with me. A file which is with me is always available to the Executive Officer whenever he wants it. These facts disclose that the prosecution does not desire to place all the cards on the table. The learned Advocate for defence calls these and other acts in this case as fishy. In audition to the above facts there are other reasons for the learned counsel to term the acts as fishy. P.W.1. denied the suggestion that Sarthoji, the salesman of the Society sold milk to him and also denied the suggestion that Mutna as well as Shekara dismissed employees were in the premises of the Societies at the time of occurrence. I have already given gogent reasons as to why the veracity of this two witnesses is questionable so I have no reason to accept that the denial is a fact. I shall also show while declining with the evidence for the defence, that P.W.1. spoke no further in regard to the suggestions made by the learned Advocate for the Defence. In the result I do not consider that the prosecution has brought on record any acceptable evidence to prove its case.

5/- The defence has examined two witnesses on its behalf. D.W.1. is the President of the milk Society. D.W.2 is a member of that Society.

6/- P.W.1. deposed that Sarthoji was the salesman at the time of occurence Ex.D2 is the attendance register mentioned in the Society. Ex.D1.(a) is the entry for April 1954. It shows that the salesman signed the attendance register on 3.4.54. The witness proves the signature of Sarthoji. Ex.D4. is the note sent by the accused to P.W.1. It discloses that it is Sarthoji who sold the milk to P.W.1. But the salesman refused to issue a receipt and there was a likelihood of an undesirable scene being created in the Society as P.W.1. continued his demand for the receipt. The accused with a view to avoid such a contingency signed Ex.P.1. and Ex.P2. for the manager, who was on casual leave on the day of occurence. Ex.D4. is dated 3.4.54. Ex.D5. is the explanation of Sarthoji in response to the charges framed against him in Ex. D6. on the basis of Ex.D4. Ex.D3 is the resolution book of the milk society. Ex. D3(c) is the resolution No. 158. placing the sales man under suspension on the day of occurrence. D.W.2 corroborates D.W.1. in all matters except in regard to action taken against Sarthoji on the basis of Ex. D4. This witness also adds that P.W.2 never accompanied P.W.1. to the society. This piece of evidence cannot be held to be untrue. In view of the inconsistency in the version of P.W.2 to which I have already made a reference earlier D.W.2 further spoke about the presence of Murda and Sheshrao who were ill disposed towards the Society for the action taken against them. The evidence of D.W.1. also disclose that P.W.1. tested the milk and said that it was 21° P.W.1. denies any knowledge of a lactometer. All these facts prove further that the prosecution case is fishy. D.W.1 proved Ex.D3. and entry Ex.D3(a) pertaining to resolution No. 39 dated 9.12.53. It prescribes the mode of pooling, selling and standard quality of milk to be sold in the milk society. Ex.D4. also discloses that Sarthoji pooled and sold milk in contravention to the directions contained and apprised to Sarthoji in Ex.D3(a) in view of this

of Sarthoji in response to the charges framed against him in Ex.D6 on the basis on Ex.D.4. Ex.D.3 is the resolution book of the milk society. Ex.D3(c) is the resolution No.158, placing the sales man under suspension on the day of occurence. D.W.2 corroborates D.W.1 in all maters except in regard to action taken against Sarthoji on the basis of Ex.D.4 This witness also adds that P.W.2 never accompanied P.W.1 to the Society This piece of evidence cannot be held to be untrue. In view of the inconsistency in the version of P.W.2 to which I have already made a reference earlier. D.W.2 further spoke about the pesence of mutta and Shekaran who were ill disposed towards the society for the action taken against them. The evidence of D.W.1 also disclose that P.W.1 tested the milk and said that it was 31°. P.W.1 denies any knowledge of a lactometer. All these facts prove further that the prosecution case is flshy. D.W.1 proved Ex.D.3 and entry E.D.3(a) pertaining to resolution No.89 dated 9-12-53. It prescribes the mode of pooling, selling and standard quality of milk to be sold; in the milk society. Ex.D.4 also disclose that Sarthoji poold and sold milk in contravention to the directions contained and approved to Sarthoji in Ex.D.3(a) In view of this fact but for the issue of Ex.P.1 and P.2 it appears to me that the prestige of the Society would have been lowered.

7. The facts referred to in the last para disclose that the accused was not the salesman, on the day in question. It also brings on record, that the milk society had used due diligence to enforce the execution of the act and what was done was without its knowledge or consent or connivance. P.W.1 stated in cross examination, if that fact is proved, there is no case against the society. Therefore the charge against the society is not substantiable.

8. The oral and documentary evidence let in do not disclose the specific act for which the accused are prosecuted. Merely to state that the offence is under section 5(1) (b) of Madras Act No.III of 1918, does not show the ingredients to be proved and thus it is vague. None spoke about the Sanction accorded to prosecute the accused. To prove this fact I summoned the Executive Officer as court witness. He fought shy to appear in court, without any valid reasons, though the summons was duly served on him. Ex.I further shows that, there are no records in his position to [illegible] against Sri Paramoshwara. All these facts are open to doubt [illegible] cannot be allowed to prosecute the accused is judicial

or genuine, as possession of any official record by any subordinate is equally the possession of the head of the Office.

In the result, I find that no case is made against the accused and accordingly, I acquit the accused under section 245(1) Cr.P.C. M0.I will be destroyed.

Pronounced in open court.

(Sd) U. Chandra 21/6/
Shri Ji Chan Hazi
Kasargod S. K

----- True Copy -----

Copy of letter dated 25.7.54 from the Public Prosecutor KAsaragod to the Collector and Dt.Magistrate Kozhikode.

Sub: M.P.A.Act--acquittal by the Stationary Sub Magistrate, KAsaragod in C.C.No.195/54- taking up the matter on revision-opinion.

Ref: Your Ref.No.4691/54.C5 dated 23.7.54.

In this matter I am rather handicapped in giving my opinion as I have only a copy of the judgment and the letter of the Government Analyst to go one. Neither the depositions nor Exhibits have been sent to me. However, since time is running out I am giving my opinion based only on the two documents sent to me.

The Stationary Sub Magistrate appears to have come to his conclusion mainly on petty and immaterial discrepancies. His judgment does not appear to be clear and well reasoned. So, the matter is well worth being taken up on Revision.

Duplicate copies of grounds of appeal and the papers sent to me are enclosed.

/True copy/

11/8/54

For Addl.Dt.Magistrate(I)

11/8

GROUNDS

1. The judgment of the Stationary Sub Magistrate is not just and not appear to deal with the substance of the charge levelled against the accused.

2. The Stationary Sub Magistrate seems to have attached undue weight to petty and immaterial inconsistencies in the prosecution evidence which he should have brushed aside as of no consequence.

3. The Stationary Sub Magistrate was wrong in coming to the conclusion that the evidence of P.W.1, the Sanitary Inspector is such that no credence could be placed on it and that P.W.1 is an unreliable witness. The Stationary Sub Magistrate seems to have completely ignored the important fact that it is the accused who sold adulterated milk to P.W/1 and issued a cash memo also Ex P.1 which would conclusively prove that the accused has committed the offence with which he stood charged.

4. The Stationary Sub Magistrate has totally gone wrong in holding that the evidence in the case does not disclose the specific act for which the accused are being prosecuted. The Stationary Sub Magistrate seems to have totally overlooked the fact that the very charge sheet in the case shows that the charges against the accused are under Section 5(1) (b) and rule 29 read with rule 27(1) of the Madras Prevention of Adulteration Act. This along with the oral evidence in this case would give the accused all the necessary particulars of the charge against him.

5. The Stationary Sub Magistrate was not justified in holding that there is no proof of sanction to prosecute the accused. The learned Magistrate has clearly failed to peruse the charge sheet filed in the case which contains the sanction to prosecute the accused in very clear terms

6. The findings of the learned Stationery Sub Magistrate in this case are without any basis and are wrong.

7. The learned Stationary Sub Magistrate was not justified in attaching any weight to the defence evidence. Even if he comes to the conslusion that the salesman handed over the

milk in question to P.W.1 the accused would still be guilty as her supervised the sale and passed the cash memo Ex P.1. to P.W.1.

8. The Stationary Sub Magistrate seems to have been moved by extraneous consideration such as the prestige of the Milk Supply Society to which he adverts at the end of para 6 of his judgment.

Sd/xx xx
Public Prosecutor,
S.Kamara.
26/7/54

True copy/

11/8/54

For Addl.DT.Magistrate (I)

11/8

125/54

Government of Madras,
Home Department

PUBLIC PROSECUTOR'S OFFICE
Rc. 125/54
AUG 1954
MADRAS

Endorsement No. 108698/E5/54-1 dated 12.8.54

Referred to the Public Prosecutor, Madras, for early remarks.

Assistant Secretary

16.8.54 16/8/54

To

The Public Prosecutor,
Madras (with encl: pp. 1 to 20 C.J. to be returned with his reply)

G.F. 32 (c)—[illegible]—20-1-54.

JUDICIAL Department

From (Name) Sri V.T. Rangaswami Ayyangar, B.A., B.L.
Designation Public Prosecutor,
Station Madras.

Received Registered

To

The Secretary to Government,
Home Department,
Madras.

ASSISTANT SECRETARY TO GOVERNMENT
Enclosures.
26 AUG 1954
HOME DEPARTMENT

No. Opinion 125/54 dated 25--8-- 1954.

SUB: Appeal against acquittal - C.C.195/54 on the file of the Stationary Sub Magistrate, Kasaragod - Forwarding opinion.

With reference to your endorsement No.108698 Cts I/54-1, dated 17-8-54, I give below my opinion in the above matter.

2. The papers received for reference are returned herewith.

113706

Opinion.

The Kasargod Milk Supply Society represented by the Secretary and secretary by name were charge sheeted for selling adulterated milk and the learned Magistrate came to the conclusion that the person who actually sold the milk was not the Secretary but a different salesman and that the sale was effected in spite of all reasonable precautions

having been taken by the society to see that no adulteration takes place. There had been some unpleasant features about the prosecution in this case which the learned Magistrate had adverted to in great detail and under the peculiar circumstances of the case as portrayed during the examination of the prosecution witnesses an appeal against acquittal is not likely to be successful.

V. T. Rangaraj

Public Prosecutor. 25/8

25/8

HOME DEPARTMENT.

Courts I

[C. No. 10898/57.F

G.O. Rt. No. 2699 Dated 13.9.57.

S. Kanara dist.

CRIMINAL JUSTICE—Appeal against acquittal/ C.C. No. 195 of 1957 on the file of the S.S.M., Kasaragod Application—Declined.

Read.—From the ~~D.M.~~/A.D.M. (I)/~~Commissioner of Police, Madras~~. S. Kanara, Rep: C.no. 4791.57. C.S.D. 7.8.57.

From the P.P./S.P., Madras, Opn. No. 125 of 1957 dated 25.8.1957.

ORDER.

The Government do not consider it advisable to appeal to the High Court against the acquittal by the S.S.M., Kasaragod, of the accused in C.C./~~S.C.~~ No. 195 of 1957 on his file.

2. A copy of the opinion of the Public/~~State~~ Prosecutor, Madras, is forwarded to the ~~D.M.~~/A.D.M.(I), S. Kanara, ~~(I), Commissioner of Police~~, for information.

Copy to the P.P./ ~~S.P.~~ Madras.

To the ~~D.M./ADM~~(I), S. Kanara. ~~Commissioner of Police, Madras~~ (with copy of ~~by~~ Registered Post).

NOTE.—The draft order above is in accordance with the opinion of the P.P./~~S.P.~~ Madras at pp 23 + 24 c.f.

If the Government differ from the Public/~~State~~ Prosecutor, Madras, and propose to prefer an appeal, the Advocate-General should ordinarily be consulted before orders preferring an appeal are issued.

The date of judgment is 23.6.57.
Three months time expires on 22.9.57.
Six months time expires on 22.12.57.

Home (Cts I) Dept.

C.No. 10869/54.

Crl. Jus. -- Appeal against acquittal - M.P.A. Act. -- C.C.No. 195 of 54 / S.S.M., Kasaragod -- Accused: The Kasaragod Milk Supply Society & its Secretary.

p. 1 c.f.

Ref: From the A.D.M.(I)., S. Kanara, Ref. C.No. 4791.54.C5. dt 7.8.54.

—

The A.D.M.(I)., S. Kanara, has submitted proposals for filing an appeal against the acquittal of the accused by the S.S.M., Kasaragod, in C.C.No. 195/54 on his file. The case may, in the first instance, be referred to the P.P., Madras. The endl. submitted is for signature.

Appeal time expires on 22.12.54. (Vide A on p. 15 c.f.)

seh 16.8.54.

16/8/54

16/8/54

Ksan Sndh

17/8

Dsdwadi P/V pp 23 + 24

[c.f. From the P.P. opn. No. 125/54 dt 25.8.54.]

A on p. 23 f.

In this case the Kasargod Milk Supply Society represented by the Secretary and Secretary by name were charged for selling adulterated milk. The S.S.M., Kasargod acquitted the accused in C.C.No. 195 of 54 on his file. The A.D.M.(I)., S. Kanara, submitted proposals for filing an appeal against this acquittal. The P.P., Madras, who was consulted, opines

Y on p 15 f.

p 1 c.f.

that there had been some unpleasant features about the prosecution in this case which the lower court had adverted to in great detail and that under the peculiar circumstances of the case as portrayed during the examination of the prosecution witness, an appeal in this case is not likely to be successful. In the O.C.s observed by him, the govt. may decline to file an appeal in this case. The draft order submitted accordingly is for approval. I.L.C. may see the case b.i. pp 10-13 of

M on p 2 i/c f.

2.9.54. 2.9.54 8/9/54 I.L.C Home U.O. 108698 (Cts I) Sec.-2 3-9-54.

23626 4.9.54

I.L.C(C)

To OS-

The Home note on pp 1-2 above and the draft below may be perused & the file returned to Home.

4/9/54 6/9/54 7/9/54 Home

I.L.C U.O. 73626 C/54 7-9-54

Home (Cts I) Sept.

The note of I.L.C. above may be perused. The draft order below may now issue.

C 119339 8/9

10.9.54. 10/9/54 10/9/54

(Issued as U.O. No. 26998/3.9.54) p 25 C/b